

M'CALL TAKES OFFICE AT SULZER'S DEMAND

Replaces Wilcox While Court Is
Listening to Injunction
Writ Arguments.

JUDGE CUTS SHEARS SHORT

"You Don't Know What You're
Talking About," Justice Scott
Tells Hearst Lawyer.

Former Justice McCall walked across City Hall Park yesterday afternoon and took his new office as chairman of the Public Service Commission. Mr. Wilcox was waiting to receive him and the two exchanged words of good will while the lawyers of the Commission were still arguing before the Appellate Division of the Supreme Court for the vacation of the injunction which had prevented Mr. Wilcox from signing the subway contracts.

When the Appellate Division took a recess at the end of an afternoon session there was no inkling as to when it would announce its decision as to the continuance of the injunction. However, Mr. Shearn made no secret of his hope that he would be able to get another injunction against the contracts in case this one should fail.

J. Aspinwall Hodge, lawyer for Clarence H. Vanner and the Continental Securities Company, at a Public Service Commission hearing yesterday afternoon also intimated that another injunction may be expected.

Mr. McCall took the oath of office as chairman of the Commission after Gov. Sulzer had had another long talk with him over the telephone from Albany. Several times previously the Governor had called upon Mr. McCall to qualify at once, but had been met with the answer that there was no use of his assuming his new office while the injunction still held. The Governor's talk yesterday with Mr. McCall was more urgent than before, however, and Mr. McCall assented.

At 3 o'clock Mr. McCall sent word to his friends that he was ready to be sworn in. Half an hour later he left his chambers in the Supreme Court and went before Justice Scott, who had taken Mr. McCall's place on the bench of Part I, Special Term, and within ten minutes had taken the oath as chairman of the Public Service Commission.

Mr. Wilcox had heard from Mr. McCall that he had decided to begin work as head of the commission and was in the commission's office in the Tribune Building when Mr. McCall appeared.

"I give me great pleasure to welcome you and to introduce you in office as chairman of the Public Service Commission for the First District," said Mr. Wilcox by way of formal greeting. "Your reputation in the community is such," he added, "that it is an earnest of the good work most confidently expected from you. You will find this work laborious and difficult, but I hope you will find it not without its satisfactions."

"I want to commend you to my colleagues and my colleagues to you. No man was ever surrounded by harder working or more earnest men. I particularly want to speak of the excellence of the staff that has been built up in the past five years and a half. They are all painstaking and hard working men. The only standard we have in appointments from the competitive and non-competitive class is fairness, efficiency and economy. Even now I don't know the politics or religion of a vast majority of them."

"If I can be of any assistance to you by reason of my experience here, I hope you will command me at any time."

"I am at a loss," replied Mr. McCall, "properly and fully to express myself on my induction into office. These gracious words of the retiring chairman add greatly to my confidence in the staff that has been built up. I shall feel myself deserving of the commendation and respect of the well thinking community that constitutes our city. No one man is entitled to higher regard and greater respect for his devotion to work and for the unselfish labor than you, Mr. Chairman. I wish I could in more emphatic language express to you my appreciation of the untiring labor you have rendered as a public officer."

"If I can attain to one small part of the record you have made I shall feel perfectly satisfied. The community can, without the slightest ungrudging thought, thank you for your work."

"I wish you could have continued in office, not only for the present but for another term and then for still another. If you so desire, I am sure you will be able to take this office and was desirous to continue in my former field of endeavor, the call came and there was no alternative."

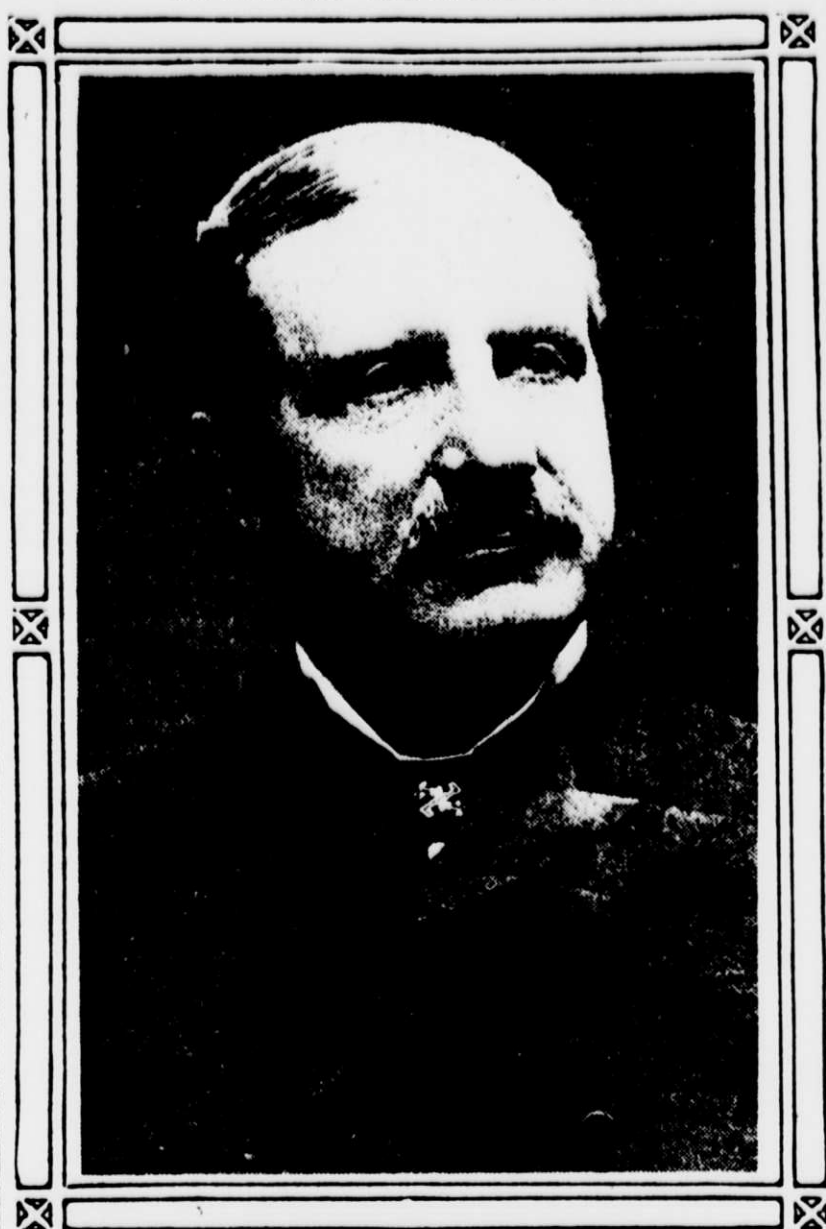
"I take office in the light of a great embarrassment in view of the record you have attained."

In conversation with his friends a few minutes before he took Mr. Wilcox's office, Mr. McCall said that he would go to work on the contracts immediately, so that there should be no unnecessary delay in deciding how he should treat them. Mr. Wilcox will be on hand to help him and will explain to him the steps by which the contracts were whipped into shape. Mr. McCall has several times said that he will use his independent judgment but wants to get information as to the intricate points of the contracts.

"I regret, of course," said Borough President McAneny last night, "that Mr. Wilcox is not to sign the contracts, for he richly deserves that honor. The fact, however, that the final action of the Public Service Commission has not been taken while Mr. Wilcox remained at his head is not the fault of Mr. McCall. I think Mr. McCall had made it clear that if the delay in the actual signing had been a matter of a day or two he would have courteously yielded to Mr. Wilcox. In the prospect of further delay as a result of the injunction proceedings it seems to me that he was fairly bound to assume the office."

"I believe that Mr. Wilcox as he leaves office deserves the grateful praise of the whole city. Although through accidental circumstances his name is not signed to the contracts, his name will stand there in the memory of the people, and I am sure that Judge McCall is content that it should be so."

WILLIAM ROCKEFELLER



CUBA MUST PUNISH BEAUPRE'S ACCUSER

U. S. Minister in Havana Demands Justice Against Newspaper Editor.

DRASTIC ACTION PLANNED

Secretary of State Probably Will
Order Prosecution
at Once.

Special Cable Dispatch to The Sun.
HAVANA, Feb. 7.—President Gomez, the Secretary of State and the Secretary of Justice held a long conference to-night in regard to the punishment of the editors and managers of the newspaper *Cuba*, who were responsible for the slanderous attacks on Mr. Beaupre, the American Minister, and Mr. Gibson, the Secretary of the Legation. Mr. Beaupre, in response to a request which he sent to Washington for authority to demand that the Cuban Government act in the matter, received the following cablegram from the State Department:

"Of course you will demand that the Cuban Government immediately take the most rigorous measures to punish all the guilty parties."

Mr. Beaupre, who is ill, got into communication at once with the Cuban Foreign Office. Senator Patterson, the Chancellor of the Foreign Office, immediately visited the American Legation. Mr. Beaupre told him that he would insist on immediate and effective action, that he would not tolerate delay or subterfuge or a recourse to Congressional immunity.

An hour later the legation sent to Secretary of State Sangnily a formal note, most emphatically stating the demand of the Washington Government. Secretary Sangnily visited President Gomez at once with the Secretary of Justice, and these three were still conferring at a late hour to-night. In the meanwhile President Gomez sent assurances to Mr. Beaupre that most drastic action would be taken against the newspaper.

This afternoon repeated the slanders and at the same time boasted of Congressional immunity as the editor of Congressional immunity as the editor of Representative State. The latter, however, is merely a flourish. The real editor and owner is Senor Villaverde, who with his nephew, the business manager (both of whom are Spaniards), were deported some time ago as pernicious foreigners but were permitted later to return on giving promise of future good behavior.

Minister Beaupre explained to Secretary of State Sangnily that the United States will not tolerate Congressional immunity for such an offense.

The entire Diplomatic Corps visited Mr. Beaupre to-day and expressed an intention to hold a meeting of protest should Senor Villaverde assume responsibility for the articles and claim Congressional immunity.

The Conservative members of Congress and enough Liberals to make up a quorum are expected to vote Congressional permission to prosecute Congressman Soto. President-elect Menocal has instructed all the Conservative members to support the prosecution.

President Gomez himself is hostile to Villaverde because it was for his attack on the President that the editor was deported and would be glad of an opportunity to punish him. Sympathy for Maza, the imprisoned reporter, who assaulted Mr. Gibson, seems to be an inadequate motive for Cuba's persistent attacks. Many people believe that the *Cuba* people are grafters and that Mr. Beaupre defeated them in a scheme to bring in raw material duty free. They succeeded in this they would put through other grafts.

The Secretary of Justice probably will instruct the public prosecutor to prepare the prosecution of the editors and managers early to-morrow.

Secretary to Wilson's Secretary.
Joseph P. Tumulty, who will be President-elect Wilson's private secretary when he goes to Washington, yesterday named Daniel J. O'Regan of 100 Monitor street, Jersey City, as his personal secretary. The salary is \$3,000 a year. Mr. O'Regan is a Union Hill lawyer. He is 28 years old and was graduated from St. Peter's College, Jersey City, in 1905.

Fire Threatens Misconit Town.
St. Fire, Mich., Feb. 7.—A fire which has destroyed the largest laundry in this city is still burning and threatens other buildings in the same block.

ORDEAL A PERIL TO ROCKEFELLER

Continued from First Page.

conditions. The condition will necessitate a fifth operation shortly, he said, and he entertained grave fears concerning this operation.

The immediate result of this condition, he said, was inability of his patient to speak above a whisper. Spasms follow excitement, he added, and the loss of the muscles makes it impossible for Mr. Rockefeller to counteract the effect of spasms. Notwithstanding these conditions, Mr. Garver said, Mr. Rockefeller has become resigned to the examination and in fact desired the doubting investigators to see his condition for themselves. The attorney led the way up to the second floor. He unlocked the door to the apartment. In a moment Mr. Garver reappeared from an inside room accompanied by Mr. Rockefeller, a smaller one for Mr. Rockefeller and the official stenographer.

The first glimpse of Mr. Rockefeller suffered to show the visitors that their witness was in a dangerous condition. He was assisted to a chair by Mr. Garver. He inclined his head gravely to the members of the party, but did not attempt to speak. The first indication of Mr. Rockefeller's throat making was manifested the moment he entered the room. His color was good, but every other symptom indicated that the witness was sorely stricken.

Mr. Rockefeller handed a typewritten paper to Stenographer Hanna, which the latter read as the opening statement of the financier. It said:

"I am urgently advised and warned by my physician that this examination is attended with very serious danger on account of the precarious condition of my throat."

"I desire, however, to make the effort, as I have not now and never have had any disposition to avoid testifying before your committee except as I have been cautioned by my physicians that doing so would endanger my life. If I find that the strain is too great for me to take further risk I shall have to ask your indulgence in not pressing the examination further."

"As I have lost my voice, I would esteem it a privilege if you would permit me to whisper my answers to the official stenographer who sits beside me and who will read them aloud. It is impossible for me to write them."

Unusual as such a privilege is recorded in Congressional investigations, the request was promptly acceded to by the chairman. Hardly had Mr. Rockefeller been sworn when he was seized with a coughing fit. As soon as the stenographer had read the statement, Mr. Undermyer said:

"Mr. Rockefeller, the chairman will expect you and your physician to advise us if you feel at any time your condition becomes such as to render further examination inadvisable. It must be clearly understood that neither the chairman nor counsel care to or are willing to assume any responsibility whatever on such a subject. You and your physician are the best judges of the situation and we shall have to rely upon you under the circumstances disclosed by the testimony before the committee as to your physical condition, on that understanding we will proceed with the examination."

Mr. Undermyer afterward explained that although the weakened and nervous condition of the witness was so pronounced, he had felt up to this moment to make a three foot table, through the examination. The first question followed:

"What is your residence?"

"Six hundred and eighty-nine Fifth avenue, New York city," answered Mr. Rockefeller, speaking in so low a whisper that he was barely heard by the stenographer, Hanna, that Mr. Hoffman, sitting only across a three foot table, was able to catch only the word "avenue."

Again Mr. Rockefeller coughed and choked slightly.

Mr. Undermyer proceeded, "Referring to the statement just made by you, Mr. Rockefeller, it is currently reported that your health is such that you are able to play golf and indulge in sports of that sort. What is the fact as to this?"

Again the whisper in Mr. Hanna's ear, and the stenographer repeated: "I have never played a game of golf in my life. I try to take open air exercise every day. That is the extent of my amusement—taking outdoor exercise."

"Do you recall the occasion of the organization of the Amalgamated Copper company in 1898?" pursued the examiner.

"I do," was Mr. Rockefeller's answer, and a somewhat severe spasm of coughing shook him.

"Was it in 1898?" asked Mr. Undermyer.

"I think it was in 1898. This whisper was followed by a violent laryngeal spasm. Mr. Rockefeller succeeded with great difficulty in saying the word."

Chairman Pujos plainly understood the nervous, quick thinking Undermyer knitted his brows and compressed his lips. His eyes showed that the strain on the witness was already affecting him. At this point Dr. Chappelle intervened.

"Mr. Chairman," he said, "I would like to take the liberty of drawing your attention to Mr. Rockefeller's condition at the present moment. He is showing some symptoms which precede these spasms of the larynx, and I strongly urge you not to proceed, as in doing so you are certainly endangering his life at the present moment."

"Since my appearance before the committee in Washington a new and more serious development has occurred in Mr. Rockefeller's throat. He is now in the verge of a spasm of the larynx, which might choke him."

Mr. Rockefeller dropped back into his chair with a weak, tired expression as he heard the physician say that his death might be at hand. He looked pitifully from the chairman to the attorney for his decision.

The chairman arose as a man facing a storm duty.

"I will ask you to be sworn, Dr. Chappelle," said Mr. Pujos at a nod from Mr. Undermyer.

The oath administered to Dr. Chappelle a fortnight ago in Washington was repeated in order that the foregoing statement by the physician might be included in the record of the "money trust" hearings. In administering the oath, Chairman Pujos said:

"Do you solemnly swear that the statement you have made with reference to the present condition of Mr. Rockefeller is true and correct according to your knowledge and belief?"

Building Without Disputes

Build by the Hoggson Single Contract Method and you will avoid disputes.

We take the whole responsibility for your whole building and guarantee to satisfy you with the results.

A book, describing the Hoggson Single Contract Method of Building, on request.

Owner
Architect
Hoggson
Construction
Equipment
Engineering
Brothers
Decorators
Furnishing

HOGGSON BROTHERS
7 EAST 44th ST. NEW YORK CITY
BOSTON NEW HAVEN CHICAGO

ing to your knowledge as a physician and your judgment as an expert."

"I do," said Dr. Chappelle with emphasis.

Mr. Undermyer facing square about then said to Mr. Rockefeller:

"Mr. Rockefeller, you have heard Dr. Chappelle's statement. Do you feel in such a condition that you think it unsafe to proceed further?"

"Certainly do," replied Mr. Rockefeller, still through his stenographer's mouthpiece.

Chairman Pujos then made the following formal statement for the record:

"The chair states that, in view of the declaration by Dr. Chappelle under oath and also that of the witness, Mr. Rockefeller, besides what is manifest from the appearance and condition of the witness, no further proceedings will be had at this time."

In turn Mr. Undermyer then added: "I should be unwilling to go further with the examination at this time from what I have just heard and observed as to Mr. Rockefeller's condition."

Chairman Pujos then announced that the committee would stand in indefinite recess.

Luncheon for the examiners and counsel then was served in the clubhouse and the party left for the mainland on the club's steamer. Mr. Pujos left Brunswick for Washington at 4:30 P. M. Mr. Undermyer, bound for Bain Beach, Fla., left on the same connecting train of the Atlanta, Birmingham and Atlantic Railway. They will separate at Thonon, Ga.

DARROW HIS OWN LAWYER.

Examines Witnesses When Counsel Is Advised to Withdraw.

LOS ANGELES, Feb. 7.—In a further effort to impeach the testimony of Bert Franklin, star witness for the prosecution in the trial of Clarence Darrow, accused of bribery in connection with the McNamara case, the Chicago lawyer this afternoon called for the examination of the stand after Judge Conley had advised Earl Rogers, chief counsel for the defense, to withdraw from the case on account of ill health.

Darrow himself took part in the cross-examination of George X. Lockwood, one of the principal witnesses for the prosecution, and of Franklin. Lockwood's position that he got with the assistance of the District Attorney.

Darrow asked Franklin to describe the details of an alleged telephone conversation.

"You remember, Mr. Darrow," began Franklin.

"I object to that," said Darrow. "I repeat to you, such a question is irrelevant. I apologize," said Franklin.

"I don't want your apology," retorted Darrow.

"Franklin then told of receiving the \$44,000 bribe," he said, he attempted to give the details of the transaction.

"You remember, Mr. Darrow," began Franklin.

"I object to that," said Darrow. "I repeat to you, such a question is irrelevant. I apologize," said Franklin.

"I don't want your apology," retorted Darrow.

"Franklin then told of receiving the \$44,000 bribe," he said, he attempted to give the details of the transaction.

"You remember, Mr. Darrow," began Franklin.

"I object to that," said Darrow. "I repeat to you, such a question is irrelevant. I apologize," said Franklin.

"I don't want your apology," retorted Darrow.

"Franklin then told of receiving the \$44,000 bribe," he said, he attempted to give the details of the transaction.

"You remember, Mr. Darrow," began Franklin.

"I object to that," said Darrow. "I repeat to you, such a question is irrelevant. I apologize," said Franklin.

"I don't want your apology," retorted Darrow.

"Franklin then told of receiving the \$44,000 bribe," he said, he attempted to give the details of the transaction.

"You remember, Mr. Darrow," began Franklin.

"I object to that," said Darrow. "I repeat to you, such a question is irrelevant. I apologize," said Franklin.

"I don't want your apology," retorted Darrow.

"Franklin then told of receiving the \$44,000 bribe," he said, he attempted to give the details of the transaction.

"You remember, Mr. Darrow," began Franklin.

"I object to that," said Darrow. "I repeat to you, such a question is irrelevant. I apologize," said Franklin.

B. Altman & Co.

will offer at Special Sale this day (Saturday) and Monday,

Several Thousand Yards of Desirable White Silks

at the following attractive prices:

White Silk Ratine, 36 inches wide, regular price \$2.50 per yard . . . at \$1.75

White Silk Charmeuse, 40 inches wide, regular price \$3.00 per yard . . . at \$1.50

White Satin Brocades, 26 inches wide, regular prices \$2.00 & 2.50 per yard . . . at \$1.35

White Washable Habutai, 27 inches wide, regular price \$2.00 per yard . . . at \$1.10

White Washable Habutai, 36 inches wide, regular price \$1.00 per yard . . . at 58c.

White and Ivory Taffeta, 19 inches wide, regular price 85c. per yard . . . at 48c.

Also for this day (Saturday) a Sale of

White Cotton Dress Fabrics at 21c., 35c. & 38c. per yard.

Fifth Avenue, 34th and 35th Streets, New York.

MRS. FISH TALKS TO GIRL STRIKERS

Tells Them They Will Win and
That She Will Receive
Money for Them.

TWO RIDE IN HER AUTO

Takes Them to Their Homes
and Sees Conditions Under
Which They Live.

Accompanied by Miss Gertrude Barnum, Mrs. Stuyvesant Fish went forth yesterday on her investigation of the garment strike and the conditions under which the girl strikers had worked. She visited some of the union headquarters and then went to Odd Fellows Hall, 87 St. Marks place, where a meeting of the striking kimono and wrapper makers was in progress.

Mrs. Fish talked for a while with Miss Barnum and went among the strikers and talked with a few of them before she took her seat on the platform.

Miss Barnum spoke first. She told the strikers that Mrs. Fish sympathized with them and wished to aid them. Then Mrs. Fish was introduced and the girls, some of whom had been standing and some sitting, made a rush for the front seats.

"I am not a socialist or a suffragette," said Mrs. Fish. "But I sympathize with the cause you are on strike for. There must have been something wrong when the conditions under which this strike was forced on you existed. I do not believe in strikes as a rule, as you are getting too little money to save enough to keep you while you are on strike, but I have been informed that your only hope of gaining better conditions was the declaring of the present strike. My attention was called to the strike by a man who has taken an interest in the welfare of the workers and I decided to do what I could when I received a letter from Miss Anne Morgan on the subject."

Mrs. Fish said that the minimum wage rate for girls should not be less than \$7 a week. Ordinarily, she thought, the girls could not support themselves and save anything for a strike on less than that.

Here a man in the audience interrupted with the question, "How could a man support himself and his family on \$7 a week?"

"I am not thinking of the men now," Mrs. Fish said, whereat the girls cheered and the men said no more.

Mrs. Fish went on to say that the rich people and the workers were unreasonably apart and that there seemed in some cases an unjustified feeling of bitterness among the workers against the rich. This need not be, she said, there was no reason why the rich and the workers should not get together, so that the strikers could be helped in their home lives.

"I think you are fighting a just fight and I think you will win," she told the girls, "and anything I can do to bring your conditions before the public as they should be brought I will do."

She announced that she had arranged to receive contributions for the strikers at her home, and when she finished she said she would like to talk to some of the striking girls. She went down among them and talked with Dora Rosenkranz, Phillips of 263 East Third street. The former, who is 16 years old, was getting \$7 a week in a kimono factory. She started three years before at \$3 a week. Out of this, she said, she supported herself and her mother, living in three small rooms and after paying \$8.50 a week for care and rent had \$9.50 left. There were several months in the year during which she could not work owing to the lack of work.

Pauline Phillips told Mrs. Fish that she was 16 years old and was earning \$12 a week as presser in a kimono factory. She had been paying \$2.50 a week for breakfast and supper and sleeping accommodations, but was behind in her payments since the strike.

Mrs. Fish then took the two girls with her to their homes to see their conditions. They first went to the home of Dora Rosenkranz, where Mrs. Fish had difficulty in keeping from stumbling while groping her way through the hall. She asked many questions and after driving to the home of the other girl told them both to be good cheer, as the strikers would have effective sympathy. The two girls in this factory and struck the other girls envious by describing their ride.

Miss La Follette yesterday afternoon addressed a meeting of the striking kimono and wrapper makers. She told them she wanted them to know of her continued sympathy. While she was speaking a number of cutters from the factory of S. L. Scheraga Weir (Twenty-first street) which had not yet been touched by the white goods workers' strike, appeared and shouted that all the cutters in this factory and struck the other girls envious by describing their ride.

RELIGIOUS NOTICES.
Services are held in the following
Christian Science Churches
Sundays, 11 A. M. and 8 P. M.
Wednesdays, 8 P. M.

First Church, Central Park West and 66th St.
Second Church, 125th Street and 66th St.
Third Church, 125th Street and Madison Ave.
Fourth Church, 125th Street and Madison Ave.
Fifth Church, 125th Street and Madison Ave.
Sixth Church, 125th Street and Madison Ave.

FIFTH AVENUE BAPTIST CHURCH
REV. CORNELIUS WOELFKIN, D. D.
PASTOR
9:40 A. M. Bible School Session
10:40 A. M. Morning Service
Young Men's Class, Dr. Addison Moore, Leader
A. M. & N. M. Public Worship
SERMONS BY DR. WOELFKIN
Fifth Avenue Presbyterian Church
Fifth Ave. and 11th Street
Pastor
Rev. J. M. Jowett, M. A., D. D.
Morning Service at 11 o'clock
Dr. Jowett will preach
At 4:30 the Sacrament of the Lord's Supper will be observed. With week service in the chapel on Wednesday Evening at 8:15, conducted by Dr. Jowett.

Central Presbyterian Church
Rev. J. M. Jowett, M. A., D. D., Pastor
67th St. and 1st Ave.
Preaches at 11 A. M.
Evening Service, "The Voice of God,"
9:45 A. M. Young Men's Bible Study Class
Devotional Service Wednesday at 8 P. M.
ALL WELCOME

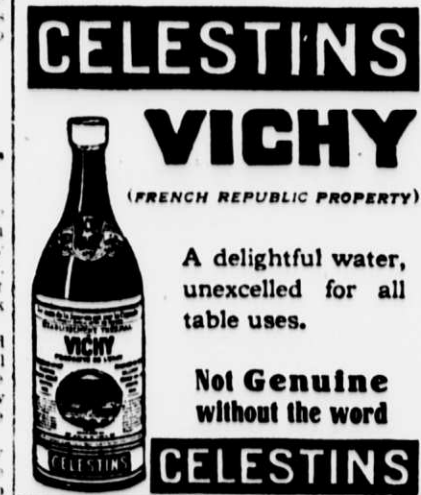
St. Thomas's Church
11TH AV. AND 3RD ST.
Rev. J. M. Jowett, M. A., D. D., Pastor
8 A. M. Holy Communion
Rev. J. M. Jowett, M. A., D. D., Pastor
11 Morning Service and Address, 10:40
4 Evening Song and Address, 8:15

MEMORIAL BAPTIST, Washington, 38th St. and 10th Ave. Pastor, will preach, "The Arrested Conscience." March 24, 1:30 and 8:15. Free will contribution for the building fund.

Trinity Parish, Chapel of the Intercession, 125th St. and 1st Ave. Rev. M. H. Gates, D. D. Pastor. 8:15, 9:45, 10:30, 11 A. M. Sermon to Non-Christians.

CHURCH OF THE HOLY TRINITY, 125th St. and 1st Ave. Rev. J. M. Jowett, M. A., D. D., Pastor. 8:15, 9:45, 10:30, 11 A. M. Sermon to Non-Christians.

ST. STEPHEN'S, 125th St. and 6th Ave. Rev. Dr. Seggie, Pastor. 8:15, 11 A.



A delightful water, unexcelled for all table uses.

Not Genuine without the word CELESTINS

CELESTINS